

AMENDED IN SENATE SEPTEMBER 6, 2019

AMENDED IN ASSEMBLY APRIL 29, 2019

AMENDED IN ASSEMBLY APRIL 11, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## ASSEMBLY BILL

**No. 1561**

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**Introduced by Assembly Member ~~Cristina Garcia~~ Members  
Blanca Rubio and Gray**

February 22, 2019

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An act to amend Section ~~65583~~ of the Government Code, relating to  
~~land use~~; 6530 of the Penal Code, relating to endangered wildlife.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as amended, ~~Cristina Garcia~~ Blanca Rubio. ~~Planning and zoning; housing element~~. *Endangered wildlife: crocodiles and alligators.*

Existing law makes it a misdemeanor to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or a part or product thereof, of a polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf, zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin, porpoise, Spanish lynx, or elephant. Existing law, commencing January 1, 2020, makes it a misdemeanor to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or a part or product thereof, of a crocodile or alligator.

This bill would delay the commencement of the prohibition on importing into the state for commercial purposes, possessing with intent to sell, or selling within the state, the dead body, or a part or product thereof, of a crocodile or alligator until January 1, 2021.



*This bill would incorporate additional changes to Section 653o of the Penal Code proposed by AB 1260 to be operative only if this bill and AB 1260 are enacted and this bill is enacted last.*

~~The Planning and Zoning Law requires a city or county to adopt a general plan for land use and development within its boundaries that includes, among other things, a housing element. The housing element is required to include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities, as provided.~~

~~This bill would additionally require an analysis of those constraints upon housing for persons with a characteristic identified by a specified provision of the Unruh Civil Rights Act. By increasing the duties of local officials, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 653o of the Penal Code is amended to  
2     read:

3     653o. (a) It is unlawful to import into this state for commercial  
4     purposes, to possess with intent to sell, or to sell within the state,  
5     the dead body, or any part or product thereof, of a polar bear,  
6     leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*  
7     *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,  
8     kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or  
9     porpoise (*Delphinidae*), Spanish lynx, or elephant.

10    (b) (1) Commencing January 1, ~~2020~~, 2021, it shall be unlawful  
11    to import into this state for commercial purposes, to possess with  
12    intent to sell, or to sell within the state, the dead body, or any part  
13    or product thereof, of a crocodile or alligator.

14    (2) This subdivision shall not be construed to authorize the  
15    importation or sale of any alligator or crocodilian species, or any  
16    products thereof, that are listed as endangered under the federal



Endangered Species Act, or to allow the importation or sale of any alligator or crocodilian species, or any products thereof, in violation of any federal law or international treaty to which the United States is a party.

(c) A person who violates this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1,000) and not to exceed five thousand dollars (\$5,000) or imprisonment in the county jail not to exceed six months, or both that fine and imprisonment, for each violation.

(d) The prohibitions against importation for commercial purposes, possession with intent to sell, and sale of the species listed in this section are severable. A finding of the invalidity of any one or more prohibitions shall not affect the validity of any remaining prohibitions.

~~(e) This section shall become operative on January 1, 2016.~~

SEC. 2. Section 6530 of the Penal Code is amended to read:

6530. (a) It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of a polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (*Delphinidae*), Spanish lynx, or elephant.

(b) (1) Commencing January 1, ~~2020~~, 2021, it ~~shall be~~ is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of a crocodile or alligator.

(2) This subdivision ~~shall not be construed to~~ does not authorize the importation or sale of ~~any~~ alligator or crocodilian species, or any products thereof, that are listed as endangered under the federal Endangered Species Act, or to allow the importation or sale of any alligator or crocodilian species, or any products thereof, in violation of ~~any~~ federal law or international treaty to which the United States is a party.

(c) Commencing January 1, 2022, it is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of an iguana, skink, caiman, hippopotamus, or a Teju, Ring, or Nile lizard.

~~(e)~~



1 (d) A person who violates this section is guilty of a misdemeanor  
2 and shall be subject to a fine of not less than one thousand dollars  
3 (\$1,000) and not to exceed five thousand dollars (\$5,000) or  
4 imprisonment in the county jail not to exceed six months, or both  
5 that fine and imprisonment, for each violation.

6 ~~(e)~~

7 (e) The prohibitions against importation for commercial  
8 purposes, possession with intent to sell, and sale of the species  
9 listed in this section are severable. A finding of the invalidity of  
10 any one or more prohibitions shall not affect the validity of any  
11 remaining prohibitions.

12 ~~(e) This section shall become operative on January 1, 2016.~~

13 *SEC. 3. Section 1.5 of this bill incorporates amendments to*  
14 *Section 653o of the Penal Code proposed by both this bill and*  
15 *Assembly Bill 1260. That section shall only become operative if*  
16 *(1) both bills are enacted and become effective on or before*  
17 *January 1, 2020, (2) each bill amends Section 653o of the Penal*  
18 *Code, and (3) this bill is enacted after Assembly Bill 1260, in which*  
19 *case Section 1 of this bill shall not become operative.*

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22 **All matter omitted in this version of the bill**  
23 **appears in the bill as amended in the**  
24 **Assembly, April 29, 2019. (JR11)**  
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